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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women

Consideration of reports submitted by States parties under article 18 of the Convention on the Elimination of All Forms of Discrimination against Women

Fifth periodic report of States parties

Addendum

Canada*

* For the initial report submitted by the Government of Canada see CEDAW/C/5/Add.16, considered by the Committee at its fourth session. For the second periodic report submitted by the Government of Canada see CEDAW/C/13/Add.11, considered by the Committee at its ninth session. For the third periodic report submitted by the Government of Canada see CEDAW/C/CAN/3, considered by the Committee at its sixteenth session. For the fourth periodic report submitted by the Government of Canada see CEDAW/C/CAN/4, considered by the Committee at its sixteenth session. The present document is being issued without formal editing.

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Introduction

1. Canada's approach to the elimination of discrimination against women is multifaceted and includes constitutional protections, legislation, public education, institutional change, community action and research. Canada's 5th periodic report provided information on Canada's efforts during the period from April 1994 to March 1998 and Canada's delegation looks forward to its appearance before the Committee on the Elimination of Discrimination Against Women to discuss that report.

2. Given the lapse of time since the period covered by the 5th period report, Canada wishes to provide information in this document highlighting some key initiatives that have occurred since the end of the reporting period, with attention to the Committee's Concluding Observations on the presentation of Canada's 3rd and 4th reports. Further details on these and other efforts relating to the provisions of the Convention will be provided in Canada's next periodic report. While highlights have been provided to demonstrate that governments are continuously working to improve the situation of women in Canada, we also acknowledge that in some areas progress is not as fast as we would hope for and we still face significant challenges.

3. The Government of Canada in 2000, building upon the foundation of actions taken under the *Federal Plan for Gender Equality* (1995-2000), approved the Agenda for Gender Equality (AGE) as a government-wide initiative to advance women's equality. The AGE initiative is a multi-year strategy, with funding spread over a five-year period, using a building block approach with each subsequent year and achievement. The components include: engendering current and new policy and program initiatives; accelerating implementation of gender-based analysis commitments; enhancing voluntary sector capacity; engaging Canadians in the policy process in a sustained, structured manner; and meeting Canada's international commitments and treaty obligations.

4. Canada's constitutional structure provides unique roles and responsibilities for federal, provincial and territorial jurisdictions. For example, health and education are primarily the responsibility of the provinces, while international trade and immigration fall generally within federal jurisdiction. Within this structure, there are many variations of experience and initiative from one jurisdiction to another. To reflect the breadth of the Canadian experience, examples have been included of endeavours to increase gender equality. These examples, however, are by no means comprehensive, but rather a sample of the variety of programs developed by federal, provincial and territorial governments.

Legislative Measures

5. Canada's Constitution is the supreme law of the land and includes the *Canadian Charter of Rights and Freedoms* (Charter). Section 15 of the Charter prohibits discrimination based on race, national or ethnic origin, colour, religion, sex, age, and mental or physical disability. The Supreme Court of Canada has held that the list of prohibited grounds of discrimination under section 15 is not exhaustive and that other distinctions based on analogous grounds are also subject to review. The Charter applies to all governments (federal, provincial, territorial and municipal). In addition, the federal and all provincial governments, as well as the Yukon and Northwest Territories, have adopted human rights legislation that prohibits discrimination based on such characteristics as race, nationality and ethnic background, colour, sex and disability. The government of the new territory of Nunavut recently introduced human rights legislation expected to come into force in 2003.

6. In British Columbia (BC), the Human Rights Code Amendment Act, 2002, was passed in the legislature on October 31, 2002, and will be brought into force in early 2003. The substantive protections afforded by the Human Rights Code will not change. What will change is the method of protecting these rights. The new system will make the Human Rights Tribunal directly responsible for receiving, mediating and adjudicating cases, and will increase the effectiveness and efficiency of the human rights protections contained in the Human Rights Code. This approach will provide complainants and respondents with a process that is fair, independent and focuses on problem-solving. The Code legislates responsibility for conducting a program of human rights education, research and consultation and assigns this responsibility to the Minister. The BC government will see

that public education remains a priority and work with independent organizations to ensure that those people who need publicly funded legal advice can get it. The new human rights system in British Columbia complies with the Paris Principles by constituting a human rights tribunal that is independent and autonomous from government and that has a diverse membership, a broad mandate, adequate powers to deal with complaints, and sufficient resources.

7. Since 1998, there have been a number of activities related to the *Canadian Human Rights Act* (CHRA), which prohibits discrimination within federal jurisdiction. Under the CHRA, the Canadian Human Rights Commission investigates, settles, and prosecutes individual complaints of discrimination, and the Canadian Human Rights Tribunal hears and adjudicates complaints referred to it by the Commission.

8. As part of the federal government's commitment to strengthen the CHRA to ensure that it is effective in promoting human rights in a timely and efficient manner, the Minister of Justice established an independent Panel to conduct a review of the *Act*. The Panel's report, *Promoting Equality: A New Vision*, released in June 2000, contains 165 recommendations. The government is currently studying the Panel's report and will be taking its recommendations into consideration in any future reform.

9. A number of legislative measures have been adopted by the Government of Canada since March 1998 which better protect women's human rights, respond to gaps in the *Immigration and Refugee Protection Act*, and better protect women under the *Criminal Code of Canada*, among many other legislative measures.

10. For example, in June 2002, the new *Immigration and Refugee Protection Act* (IRPA) became law. The IRPA includes a new immigration offence of trafficking in persons. The offence provision lists specific aggravating factors that a court can take into account when determining the appropriate penalty, including subjecting a trafficking victim to humiliating or degrading treatment, for example with respect to work or health conditions or sexual exploitation. Indicative of the importance Canada attaches to the elimination of trafficking, of which women and children are most often the victims, this new offence of trafficking in persons carries a maximum penalty of life imprisonment, a fine of up to $1 million or both. A regulation has been added which seeks to ensure that children are not trafficked into Canada under the provisions for child adoption.

11. New regulations also strengthen the *Live-in Caregiver Program* and will assist caregivers to be aware of their rights and responsibilities before they arrive in Canada. The new requirement of an employment contract that sets out the terms and conditions of employment establishes clear avenues of assistance where concerns arise about working conditions and provide for more consistency in standards. The right of a live-in caregiver to change employers and have an interrupted work history within the program will be a positive change for women.

12. Additional aspects of the IRPA provide women-at-risk with priority attention in refugee processing and measures to prevent sponsorship where the sponsor is either unable or unwilling to live up to existing family-related legal requirements. No sponsorship will be allowed where the sponsor has been convicted by a court of a sexual offence or an offence under the *Criminal Code* against a family member, or relative of the sponsor or of the sponsor's spouse or partner, unless a pardon has been granted or until five years have passed after the expiration of the sentence imposed for the offence.

13. Furthermore, the IRPA explicitly requires the Department of Citizenship and Immigration to provide a gender-based analysis of the impact of the Act in its annual report to Parliament. This reporting requirement is unprecedented in federal statutes in Canada and demonstrates the commitment of the Department to gender equality.

14. In 2002, the *First Nations Governance Act* was introduced in Parliament. The legislation is aimed at providing First Nations with tools missing from the *Indian Act* that lead to greater self-reliance, economic development and a better quality of life. The *First Nations Governance Act* contains a number of measures that promote the human rights of First Nations women, enhance their ability to participate in the governance of their communities,

and broaden Aboriginal women's protection from discrimination and recourse to remedies. The changes provide the right to: vote on governance codes, whether they live on or off reserve; appeal election matters; have access to information; be involved in law-making; and have impartial redress for administrative decision-making. Also included in the proposed legislation is an amendment to the CHRA which would ensure that it applies to every Canadian, including Aboriginal people who are presently not fully protected by the CHRA.

15. While the proposed legislation does not directly address all issues of concern to First Nations women, such as status, membership, matrimonial property and poverty, it is expected to expand the opportunities for First Nations women to participate in First Nations community governance and to have a far greater voice in shaping their communities than they have had under the current *Indian Act* regime. It may also strengthen the voice of First Nations women in the larger political arena and assist in raising the level of attention to issues that is necessary to bring about additional change.

16. In 2000, the Government of Canada extended equal treatment in 68 federal laws to common-law partners of the opposite-sex and the same-sex by enacting the *Modernization of Benefits and Obligations Act*. This statute ensured that federal benefits and obligations available to married persons are applied to partners in common-law relationships, opposite-sex and same-sex. For example, survivor benefits under federal government pension plans were extended to a person who was cohabiting with the contributor in a conjugal relationship (opposite-sex or same-sex) at the relevant time, having so cohabited for a period of at least one year. Similar benefits and obligations available to children of married couples were extended to children of common-law partners, both opposite-sex and same-sex.

17. A number of criminal law reforms have been initiated since 1998 on violence against women. These include ensuring that the safety of victims is taken into account in bail decisions; facilitating the testimony of victims of sexual or violent crime under 18 years of age by restricting personal cross-examination by accused persons representing themselves; permitting the presence of a victim support person for victims or witnesses in sexual or personal violence cases who are under 14 years of age or have a mental or physical disability; expanding the scope of victim impact statements; permitting publication bans regarding the identity of sexual offence complainants where necessary for the proper administration of justice; permitting a justice of the peace to make a non-communication order to prevent unwanted communication or harassment from the accused during the period between arrest and the bail hearing; and increasing the maximum penalty for criminal harassment (stalking) from five to ten years.

18. On December 5, 2002, the federal Minister of Justice introduced Bill C-20, which included amendments to the *Criminal Code* to facilitate the testimony of victims and witnesses under 18 years of age; to create a new category of sexual exploitation that protects young persons between 14 and 18 years of age; and to increase maximum penalties for child-related offences. The Bill also proposes amendments to the *Code* to facilitate the enforcement of protection orders in the domestic violence context and amendments that will help to protect victims of criminal harassment and spousal abuse, for example, from cross-examination by self-represented accused.

19. On December 10, 2002, the federal Justice Minister announced a *Child-centred Family Justice Strategy*. As part of that strategy, the Minister introduced Bill C-22, which includes reforms to the *Divorce Act* focusing on the best interests of the child and on a new model of parental responsibilities for child care. The proposed amendments specifically identify family violence, including spousal violence, as a criterion on the list of specific criteria to be used by parents, lawyers and courts in considering what is in the best interests of the child. In addition to legislative changes, the *Child-centred Family Justice Strategy* will provide $63 million in new funding over five years to the provinces and territories for services for families, including: mediation, parent education and court-related services. The Minister also announced funding of $16.1 million per year to expand Unified Family Courts as part of efforts to ensure a timely, efficient and simpler court process.

20. Since 1998, many provinces and territories have passed domestic violence legislation to supplement the *Criminal Code* and provide a wider range of remedies than those currently available in the Code or in other provincial

statutes, including Yukon (1999), Manitoba (1999), and Alberta (1999). Legislation was passed and is awaiting proclamation in Ontario (2000) and Nova Scotia (2001).

21. Between 1998 and 2002, Québec passed or amended approximately fifteen pieces of legislation concerning women's rights and women's living conditions. These include the *Act to amend various legislative provisions concerning de facto spouses*, the *Act to amend the Act respecting childcare centres and childcare services*, the *Act respecting midwifery*, the *Act respecting parental insurance*, the *Act to amend the Act the facilitate the payment of support*, the *Act respecting equal access to employment in public bodies and amending the Charter of Human Rights and Freedoms* and the *Act instituting civil unions and establishing new rules of filiation*.

22. Saskatchewan has passed or amended legislation on sexual exploitation of children, which enhances the capacity of child care organizations and the police to intervene with offenders and ensure proactive intervention with sexually exploited children through restraining orders and protection orders and provides access to victims services for children and youth required to participate in prosecutions against pimps or perpetrators.

Jurisprudence

23. Since March 1998, the Supreme Court of Canada has provided guidance in several important decisions relating generally to equality rights and, specifically, to women's equality. Although many of the cases do not deal directly with sex-based discrimination, they are important to women's equality and are particularly relevant to women who may be vulnerable to discrimination on multiple grounds of disadvantage by virtue of such personal characteristics as disability, marital status, sexual orientation or race.

24. *Law v. Canada* (*Minister of Employment and Immigration*), [1999] 1 S.C.R. 497 *(Law)* is one of the most important Supreme Court of Canada decisions on equality rights rendered since s. 15(1) of the *Canadian Charter of Rights and Freedoms* came into force in 1985. In *Law*, the Court clarified the analysis required under s. 15(1) of the Charter to determine whether there is a violation of the substantive equality guarantee of the Charter. The Court emphasized the need to take a contextual approach to equality claims under s. 15(1) of the Charter and the strong remedial objectives underlying the equality guarantee: to promote equal respect, concern and consideration as well as human dignity for all individuals.

25. In two recent decisions, the Supreme Court of Canada upheld provisions of the *Criminal Code* that provide important protections for victims of sexual assault during the trial process. In *R. v. Mills*, [1999] 3 S.C.R. 668, the Court upheld the constitutionality of *Criminal Code* provisions setting out the procedure by which accused persons can obtain complainants' private records in the Crown's possession. The procedure essentially limits access to confidential therapeutic records to situations where the records are relevant to the defence of the accused, as determined by the court, considering factors set out in the Code. This test for disclosure is designed to prevent speculative and unmeritorious requests for production of confidential records of the victim.

26. In *R. v. Darrach*, [2000] 2 S.C.C. 443, the Supreme Court of Canada upheld the constitutionality of provisions of the *Criminal Code* that regulate the admissibility at trial of evidence of the complainant's past sexual conduct in sexual assault proceedings. Once again, the Court balanced the right of the accused to make full answer and defense, the complainant's right to privacy and equality and the need to preserve the integrity of the trial process by excluding misleading evidence supported only by myths and stereotypes. On this basis, the Court upheld Parliament's legislative response to a previous Supreme Court decision that struck down a broader exclusion of evidence regarding past sexual conduct.

27. Another recent Supreme Court case recognized the disproportionate impact of the criminal justice system on Aboriginal people. In *R. v. Gladue* [1999] 1 S.C.R. 688, the court upheld s. 718.2 (e) of the *Criminal Code* that requires sentencing judges to take into account the particular circumstances of Aboriginal offenders when imposing a sentence of incarceration.

28. In *British Columbia (Public Service Employees Relations Committee) v. BCGSEU*, [1999] 3 S.C.R. 3, the Court held in the employment law context that a standard set for aerobic fitness for firefighters was discriminatory against women. The decision represents a victory for women's equality rights and particularly for women working in male-dominated professions. The Court also established a unified test for discrimination under human rights legislation. The test requires the employer to prove that any decision or standard found to discriminate, whether directly or by adverse impact, was adopted for a purpose rationally connected to the performance of the job, that it was adopted in good faith and that it is reasonably necessary to the accomplishment of a legitimate work-related purpose. To demonstrate that a standard is reasonably necessary, the employer must show that it would be impossible to accommodate individual employees sharing the characteristics of the claimant without imposing undue hardship on the employer.

Elimination of Violence Against Women

29. The elimination of violence against women is a priority for the Government of Canada and has resulted in the adoption and amendment of legislation, policies and programs. Although Canada has made progress in addressing violence against women, including an overall decline in spousal homicides over the past 25 years, violence against women continues to be a problem in Canada. Women remain the majority of victims of sexual assaults against adults, spousal assault and homicide. Women under 25 years of age, those in common law relationships, women undergoing a separation and women with emotionally abusive partners are at the greatest risk of physical or sexual violence in an intimate relationship. In addition, Aboriginal women are three times more likely to be victims of spousal violence than non-Aboriginal women or men.

30. According to a December 2002 report of the Federal-Provincial/Territorial Ministers Responsible for the Status of Women entitled *Assessing Violence Against Women: A Statistical Profile*, the incidence and even the severity of spousal violence against women appears to have declined slightly over the past decade. At the same time, there are indications of an increase in police reports of spousal violence against women. This may indicate an increased confidence in the administration of criminal justice and a reduced societal tolerance for spousal violence. There is solid data indicating an overall decline in the rates of spousal homicides against women over the past 25 years with the most significant decline over the past decade. Over the past 25 years, there has also been a significant increase in the availability of shelters for abused women from 18 in 1975 to 508 in 2000. The existence and increased availability of shelters may have contributed to the decline in spousal homicide. Moreover, the report indicated that Canadians are concerned about spousal violence against women and the majority (72%) does not believe that women's groups exaggerate the severity of the problem.

31. In 1997, the federal government confirmed its commitment to reduce family violence in Canada, particularly violence against women and their children, through the third phase of the Family Violence Initiative (FVI). The FVI is led by Health Canada and includes 12 participating departments, agencies and Crown Corporations – Health, Justice, Canada Mortgage and Housing Corporation, Canadian Heritage, Royal Canadian Mounted Police, Status of Women Canada, Indian Affairs and Northern Development Canada, Correctional Services of Canada, Citizenship and Immigration, National Defence, Statistics Canada and Human Resources Development Canada.

32. Since 1998, the FVI has made significant advances in enhancing the national capacity for policy-relevant data collection and analysis as well as research and evaluation. As a result, policy makers, researchers and community groups are better equipped with timely, accessible and relevant information to support policy and programming action. Some of the initiatives include research, such as collecting, analyzing and disseminating family violence benchmarks and trend data as well as research studies on policy issues such as the health consequences of experiencing and/or witnessing family violence, criminal harassment, family violence and homelessness.

33. A range of resources and tools to help communities address family violence issues have been created including evidence-based practice guidelines, intervention models, training curricula and other tools created for health care workers, social workers, the police, prosecutors and victim support workers. A number of these resources and

tools have been evaluated and reports indicate that many are highly regarded and, more importantly, they are being used to improve practice and strengthen community prevention and responses to family violence. For instance, in 1999, Justice Canada, together with provincial and territorial partners prepared and released the publication, *A Handbook for Police and Crown Prosecutors on Criminal Harassment.* This handbook facilitates an integrated approach to policing and prosecutorial practices on stalking and other forms of criminal harassment across the country. The handbook was so highly rated that it is currently being updated for future distribution.

34. The Shelter Enhancement Program (SEP) offers financial assistance for the repair, rehabilitation and improvement of existing shelters for women, children and youth who are victims of family violence as well as the acquisition or construction of new shelters and second stage housing where needed. In 1997 upon renewal of the Family Violence Initiative, the SEP became a permanent initiative and receives $1.9 million per year for 5 years. In addition, for the period from 1999/2000 to 2002/2003, a further $43 million from the federal National Homelessness Initiative was allocated to the SEP. Since 1995, over $55 million in funding has been provided under the SEP to create and/or renovate approximately 10,000 shelter spaces, of which 6,000 have been committed since 1998. From 1997/98 to 2001/02, 50 new shelters with 677 additional units were created and 380 existing shelters with 2,100 units in family violence shelters were repaired or improved.

35. According to the Shelter Enhancement Program evaluation undertaken in 2001, 70 percent of existing shelters and second stage housing have received funding for repairs and improvements, and SEP funding covered 60 percent of all repair costs in these shelters. Not only did these expenditures significantly improve the physical conditions and safety of the shelters, but a recent Canada Mortgage and Housing Canada evaluation of the SEP also found that the program had positive impacts on shelter usage by women and enhanced family violence programs. A third of shelters that received SEP repair funding reported an increase in the number of women coming to the shelters and nearly 30 percent said that women were staying longer. Existing shelters reported an increase of 6 percent or 5,567 more women and children served in 2000 versus 1998, and the majority reported that improved shelters helped women better address family violence problems and move to non-violent situations.

36. In British Columbia, overall funding for police and community-based victim services programs have been maintained under a new funding formula and principles established to ensure equitable access to services across the province. The Community Coordination for Women's Safety program is working to develop and enhance provincial coordination of issues regarding violence against women in relationships. A new telephone crisis line, available 24 hours per day, seven days a week, is being established to provide crisis services to victims of family and sexual violence.

37. The Violence Against Women and Children initiative emphasizes the criminality of violence in relationships and provides the necessary measures to ensure the protection of women and children who may be at risk. This initiative is a significant part of the Ministry of Public Safety and Solicitor General's work towards eliminating violence by changing societal attitudes about violence; developing a justice system that holds the offender accountable and recognizes the rights of both victim and offender; and protecting and empowering all victims of violence.

38. Québec has continued to implement the domestic violence intervention policy it adopted in 1995, by emphasizing the prevention and monitoring of domestic violence and co-ordinating local and regional activities. Moreover, a campaign directed to the public and adolescents aged 13 to 14 was conducted to raise awareness about different types of violence.

39. In addition to protections already in place, in September 2002, the Ontario government announced an expansion of its commitment to address domestic violence to support victims and hold abusers accountable. The government's approach is comprised of three main components: protection and prosecution; support for victims; and prevention and education. In this regard, new initiatives in the area of prosecution include safe, private waiting and interview areas for victims and witnesses as part of the expansion of the domestic violence court program; a specialized domestic violence bail program to help police and Crown attorneys better protect victims

of domestic violence through pre-bail hearing interviews in order to better assess the risk to victims in domestic violence cases; and a Domestic Violence Review Committee in the Office of the Chief Coroner bringing together specialists and community experts who will review all domestic violence deaths.

40. In Alberta, a report analyzing the first year of implementation of the *Protection Against Family Violence Act* was released on October 31, 2000, as part of Family Violence Prevention Month in November. The report, written by an independent consulting firm, covers the implementation process and the legislation's first 15 months, from the time the legislation came into effect on June 1, 1999 up to August 31, 2000.

41. Provinces and territories have also adopted measures to ensure that courts respond effectively to domestic violence. For example, the Yukon established the Domestic Violence Treatment Option of the Territorial Court in 2000. The Domestic Violence Treatment Option allows for an accused charged with a domestic violence offence, and has accepted responsibility for the offence, to undergo treatment under the close supervision of the court and treatment professionals. Further, the Calgary Domestic Violence Courtroom was established in Alberta in 2000 as a four-year pilot project. The goal of this initiative is to reduce domestic violence while linking victim and offender more quickly and effectively with specialized services. Due to the initial success of the Calgary project a similar project was subsequently introduced in Edmonton, Alberta in 2002.

42. A number of measures have been taken to address the commercial sexual exploitation of children in Canada especially in light of the Declaration and Plan of Action of the First World Congress Against Commercial Sexual Exploitation of Children held in Stockholm, Sweden in 1996. A follow-up summit to Stockholm entitled *Out from the Shadows: International Youth Summit of Sexually Exploited Youth*, was held in 1998 in Victoria, British Columbia. The Summit provided a forum for youth involved in the sex trade to discuss their experiences and to identify areas where government action and participation is needed. In May 1999, Save the Children Canada launched a three-year initiative called *Out from the Shadows and into the Light* to address the commercial sexual exploitation of girls and boys. Status of Women Canada has contributed funding support to this initiative. The initiative aims at eliminating the sexual exploitation of the girl child by supporting preventions, resolution and public education strategies.

43. The provinces have also been active in the elimination of trafficking in women and child prostitution, and to reduce violence against prostitutes. For example, Saskatchewan has delivered special training to police on investigative techniques and has provided support to police agencies to develop computer programs that better record information on suspicious behaviour in areas where prostitution is prevalent. Saskatchewan has also developed special safe houses to protect, or provide safe havens for, children involved in prostitution. In British Columbia, the Provincial Prostitution Unit equips communities to discourage youth from moving to the streets, which can lead to their involvement in the sex trade. The unit also develops ways to reduce violence against prostitutes and addresses other problems associated with prostitution. Unit members work with communities to develop and co-ordinate strategies that address enforcement, prevention and education.

44. Alberta's amended *Protection of Children Involved in Prostitution Act* was proclaimed on March 15, 2001. The *Act* was amended to enhance support provided to children involved in prostitution (many of whom are girls) and to ensure their legal rights are protected. Under the amended *Act*, a child can be confined for up to five days. A Protection of Children Involved in Prostitution Director can then apply for a maximum of two additional confinement periods of up to 21 days each. This additional time will enable social workers to stabilize the child, help the child break the cycle of abuse and begin the recovery process in a safe and secure environment.

The Treatment of Women Offenders

45. Correctional Services Canada (CSC) is responsible for all federally-sentenced offenders in Canada. Numerous reports and studies have shown that women offenders have unique requirements and needs. As a result, CSC has developed a number of initiatives to try to ensure that the needs of women offenders are met. For example, CSC has developed a national strategy to address the needs of high-risk, high-needs women. Since December 2001,

Structured Living Environment houses have been operational at each regional facility to accommodate minimum and medium-security women with mental health problems requiring more intensive intervention. Specialized programming and 24-hour staff support and supervision are provided to these women. Currently, modifications and security enhancements are being made to these houses to provide for a greater degree of structure and control for maximum-security women.

46. The Government of Canada notes the concern expressed by the Committee about the particular situation of Aboriginal women in prisons. The number of Aboriginal women who come into contact with the correctional system is disproportionate to their representation in the general population. For example, while Aboriginal people comprise only 3% of the population in Canada, more than 20% of women serving federal sentences are of Aboriginal descent.

47. In order to try and address this concern, CSC has developed and implemented a range of Aboriginal-focused policies, programs and services designed to address the specific needs of Aboriginal women. For example, CSC built an Aboriginal Healing Lodge for women offenders who wish to practice a traditional Aboriginal way of life. In addition, programs have been developed to help these women reintegrate into the community by providing them with an opportunity to learn about their culture, language and history.

Improvement of Women's Health

48. We know that women account for the majority (80%) of health care professionals in Canada, are frequent users of health care services, and are often informal caregivers for family members. As a result, it is important for the health system to monitor and address the impact of gender as a determinant of health, and assess how women may be differently affected by various programs and policies. Although health is an area of primarily provincial jurisdiction, the section below highlights some of the federal achievements in women's health between 1998 and 2002, and also provides an example from Saskatchewan of some of the health care programs administered by the provinces.

49. Health Canada's *Women's Health Strategy* (launched March 8, 1999) conforms with the Convention on the Elimination of All Forms of Discrimination Against Women (1979) and with the principles of the *Beijing Platform for Action* (1995) and the *Federal Plan for Gender Equality* (1995). Furthermore, Health Canada developed its *Gender-based Analysis (GBA) Policy* in 2000. The Strategy and GBA Policy recognize the need to build a gender perspective into health policy and programs at all levels, and require that all new Health Canada programs or policies be assessed for their potential impact on women's health. The Strategy is also sensitive to issues of diversity, recognizing that disability, race, ethnocultural background and sexual orientation have varying influences on women's health and on their interactions with the health system.

50. In January 2002, the Minister of Health renewed Health Canada's commitment to the Women's Health Contributions Program until March 31, 2008. When it was established in 1995, the Program mandated the Centres of Excellence for Women's Health Program, the Canadian Women's Health Network and other organizations to conduct and disseminate policy-relevant research on women's health with a view to making the health system more responsive to women's health needs. The Program will continue to support initiatives that are multifaceted, multidisciplinary, multisectoral. It includes partnerships among academics, community-based organizations and policy makers.

51. Most recently, thirteen Canadian Institutes of Health Research (CIHR) were established in 2000. The Institute of Gender and Health supports research to address how sex (biological factors) and gender (socio-cultural experiences) interact with other factors that influence health to create conditions and problems that are unique, more prevalent, more serious or different with respect to risk factors or effective interventions for women and men.

52. In 1999, the Prenatal Nutrition Program (CPNP) was expanded. It supports activities to improve the health of pregnant women, including First Nations and Inuit women, and their infants up to a minimum of six months and in some cases 12 months of age. The expansion includes increased efforts to prevent Fetal Alcohol Syndrome and Fetal Alcohol Effects.

53. On May 9, 2002, the Minister of Health introduced legislation on Assisted Human Reproduction. This proposed legislation will enable Canadians who use assisted human reproduction to do so knowing that their health, safety and privacy are protected. Reflective of the concerns of many Canadians, including women's organizations, it will also ensure that potentially beneficial research that may lead to new treatments for infertility and serious diseases takes place within a regulated environment and within ethical boundaries.

54. One of the main purposes of the legislation is to protect the health and safety of Canadians, particularly of women and of the children who are born through assisted human reproductive procedures, ensuring that reproductive technologies are safe and that Canadians are able to make informed decisions about them. The Bill seeks to ensure that promising research which may help find treatments for serious conditions such as Alzheimer's, Parkinson's and cancer, which affect both women and men, take place within a regulated environment and within ethical boundaries.

55. The Saskatchewan Government is implementing an initiative of particular benefit to women and families which is an integrated system of health services available on a 24-hour, 7 day a week basis through networks and teams of health care providers. Saskatchewan's plan will improve access to basic health services and lead to greater integration and coordination of health services within communities. Specially trained nurses who assess patient symptoms and provide health information and advice will staff the toll-free, province-wide telephone advice line. Saskatchewan is also implementing a new Prevention Program for Cervical Cancer, which focuses on recruitment and education efforts among women in "high risk" target populations including for example low income, rural, older, and First Nations women. The Saskatchewan Screening Program for Breast Cancer is being expanded beyond the 50 to 69 age group to include women at particular risk of cancer who are over 69 or under 50. Approximately 20,000 additional women over the age of 40 will be eligible to access breast cancer screening on an annual basis.

The Situation of Aboriginal Women

56. Canada notes the concerns expressed by the Committee on the situation of Aboriginal women in Canada. The condition of Aboriginal women in Canada continues to improve overall, although a number of challenges remain. Aboriginal women in Canada have made significant gains in the education sector over the past 15 years, both in terms of educational achievement and in participation in the administration of education programs. Regrettably, there continues to be a disparity compared to non-Aboriginal Canadians. As a concrete step forward for First Nations education, in June 2002 the Minister of Indian Affairs and Northern Development (INAC) appointed a National Working Group on Education, consisting of 13 Aboriginal expert members from across Canada, six of whom are women educators. The Group's mandate is to research and provide advice to the Minister on how, in partnership with First Nations, INAC can better foster excellence in First Nations education, celebrate some of the successes in First Nations education and help narrow the unacceptable gap in academic results between First Nations students and other Canadian students.

57. Significant gaps continue to exist in the rate and quality of Aboriginal women's participation in the labour force and in rates of poverty. For example, while Aboriginal women have lower rates of unemployment than Aboriginal men in the wage economy, they are concentrated disproportionately in lower-skill and lower-paying occupations. In response, federal, provincial and territorial Ministers of Aboriginal Affairs and national Aboriginal leaders have agreed to focus in 2002-2003 on strengthening Aboriginal participation in the economy, with a particular focus on women and youth. Officials have been directed to explore measures to increase the participation of Aboriginal women in the economy, particularly in the area of entrepreneurship. One new

initiative involves production of an Aboriginal Women's Business Planning Guide, and a resource guide listing employment and entrepreneurship programs and services available to Aboriginal women.

58. Aboriginal women's groups argue that historical inequalities embedded in the *Indian Act* continue to present problems on issues related to the lack of protection available to First Nations women's matrimonial real property rights on Indian reserve lands. In response to these concerns, the Department of Indian Affairs commissioned a discussion paper to review the division of matrimonial real property on reserve. This research was released to the public in November 2002 to create awareness and stimulate discussion. The Government of Canada is considering appropriate approaches to resolve these issues.

59. In addition, First Nations women have brought claims before the courts that in spite of the1985 amendments intended to remove discriminatory status provisions from the *Indian Act*, the Act continues to operate in a discriminatory manner toward some First Nations women and their children.

60. SWC is working with Aboriginal researchers to increase their participation in policy research activities, to determine policy research gaps and to create networks promoting gender-based research with Aboriginal researchers. An Aboriginal Policy Research Conference took place in 2002 with policy makers, researchers and community groups, to showcase policy research on Aboriginal issues and to reflect the holistic perspectives of Aboriginal cultures. During the conference SWC showcased and promoted gender-based policy research and publications on Aboriginal policy issues.

61. Canada's commitment to the improvement of the situation of Aboriginal women is also reflected in our international activities. The *Northern Dimension of Canada's Foreign Policy*, issued in June 2000, identifies overarching objectives and an action plan for Canadian foreign policy as it relates to the Arctic. Women play a key role in this initiative.

Promotion of Women's Economic Autonomy

62. Canadian women make up close to half the paid labour force, and the majority work full-time. Their educational status continues to improve and the vast majority of employed women return to work within two years of having a child, with many, especially self-employed women, returning much sooner. Women still, however, assume the majority of unpaid work in the household, especially providing care for children. They predominate in part-time work and precarious employment, and can have greater difficulty accessing opportunities in high wage, growth sectors of the economy.

63. Canadian families are increasingly reporting difficulties in managing employment and family responsibilities. The majority of families with children have two incomes, and both incomes are essential to low-income earners to meet the economic needs of their families. Lone-parents, the majority of whom also are employed, continue to face high vulnerability to poverty because it is more difficult for them to earn enough to meet their family needs. Since 1998, governments across Canada have continued to introduced new or enhanced measures to improve women's situation in paid work, to help families meet their income needs and balance employment and family responsibilities and to gain access to other economic resources such as affordable housing. Tackling poverty, especially for children and lone-parent mothers, continues to be a challenge but the most recent data available indicate that for four years, starting in 1997, there has been a continuous downward trend in poverty rates in Canada.

64. The Government of Canada is committed to the elimination of child poverty. Part of the government's strategy is through enhancing the National Child Benefit (NCB) for poor families. The NCB is a joint initiative of Canada's federal, provincial and territorial governments and First Nations that aims to support low-income families and to prevent and reduce the depth of child poverty. First implemented in July 1998, the NCB Supplement provides low-income families with additional child benefits on top of the basic benefit that is provided as part of the Canada Child Tax Benefit (CCTB), which was first introduced in 1997. Overall, the support to families with

children provided by the CCTB reached an estimated $7.9 billion in 2001-2002, which includes an estimated $2.5 billion in the NCB. Since 2000, the CCTB has been fully indexed, making sure that benefits increase with inflation, and in 2002-2003, maximum benefits for most families will reach $2,444 for the first child, $2,238 for the second child and $2,240 for each additional child.

65. Most provinces, territories and First Nations are adjusting their income assistance benefits to offset increases in the NCB Supplement. These adjustments have been designed to ensure that total benefits to families receiving social assistance remain at least as high as they were before the NCB was introduced. Provinces, territories and First Nations are reinvesting these savings and making additional investments in new or extended programs and services targeted to low-income families with children. The flexibility of the NCB initiative allows provinces and territories to create or enhance programs that most appropriately meet their needs and priorities while furthering the goals of the NCB. To date, provinces and territories and First Nations invested an estimated $734.7 million in NCB programs and services in five main categories: child benefit/earned income supplements; child/day care; supplementary health benefits; early childhood services/children-at risk services; and other programs.

66. The *NCB Progress Report: 2001*, released in May 2002, reports on the direct impacts that the NCB is having in preventing and reducing child poverty. In 1999, approximately 1.2 million families with 2.1 million children have seen an increase in their income; low-income families with children saw an average increase of $775 in their income; the number of low-income families with children decreased by approximately 2.4 percent (about 16,500 families with approximately 33,800 children); and there was a reduction of almost 6.5 percent in the low-income gap, that is, the gap between a family's income and Statistics Canada's Low-Income Cut-Offs. Although the LICOs, are not official poverty lines they are used by many organizations as an important measure of poverty that takes into account family size and the size of the city or rural area in which people reside.

67. The Aboriginal Head Start (AHS) program, which was established in 1995 to enhance child development and school readiness of Aboriginal children living in urban centres and large northern communities, was expanded to include an On Reserve program in 1998 with $100 million set aside over four years, beginning in 1998/99 and $25 million per year on-going.

68. In April 2002, the Minister of Justice tabled in Parliament the Report: *Children Come First: A Report to Parliament Reviewing the Provisions and Operation of the Federal Child Support Guidelines* as required by the *Divorce Act*. The Report provides a comprehensive review of the provisions and operation of the *Federal Child Support Guidelines* five years after they were implemented and concludes that the Guidelines are a solid success and that their objectives have been promoted. Men, women and children have benefited from the guidelines since child support amounts are fairer, more predictable and consistent, ensuring that children receive the financial support they need from both their divorcing parents. The Guidelines have reduced conflict, tension and potential power imbalance between parents by making the calculation of child support more objective. This, in turn, has improved the efficiency of the legal process and most parents are now setting child support amounts without going to court.

69. Since poverty and the situation of single mothers are still of major concern, in June 2002 Québec introduced an *Act to combat poverty and social exclusion* to promote social and economic equity between men and women. This bill is part of a comprehensive strategy to combat poverty, with measures that include continuing the activities of the *Fonds de lutte contre la pauvreté* created in June 1997. It is expected that this bill will be passed by the end of December 2002.

70. In Alberta, changes to the Social Allowance Regulation came into effect on December 1, 2001, designed to encourage parents receiving Supports for Independence (SFI) benefits to find and keep employment. As many of the clients receiving SFI are single mothers, these changes are of special interest to women. Under the changes, single working parents will be able to earn $230/month before their SFI payments are reduced and employment income earned by children up to the age of 18 who attend school will no longer be considered when calculating the family's SFI benefits. As well, a new Employment Maintenance Benefit for SFI working parents with a part-time or full-time job, helps cover costs associated with maintaining employment, such as work clothes and

transportation expenses and SFI Assured Income Support clients will receive an earnings exemption on their net self-employment income from a home-based business.

71. The Vancouver Agreement signed in March 2000 by the Government of Canada, the Government of British Columbia and the City of Vancouver, is a unique attempt to have three levels of government work more cooperatively on a broad range of local issues. It is a five-year, unfunded commitment to work together in Vancouver to support economic, social and community development. While the Agreement covers all of Vancouver, the initial focus is on its poverty-stricken Downtown Eastside where an interconnecting array of problems including poverty, sexual exploitation, crime, substandard housing and business malaise, requires a comprehensive and integrated response from governments. Status of Women Canada is one of 16 federal departments involved and is active in developing a women's strategy under the Agreement, with particular attention to the realities of Aboriginal women.

72. Canada notes the concerns expressed by the Committee on the impact of regional and international economic arrangements on women in general and on disadvantaged women in particular. Over the last five years, regional and international economic arrangements have introduced a process of significant change in the Canadian economy, presenting both opportunities and constraints to Canadian women. Since 2000, Status of Women Canada (SWC) has set in place a number of initiatives to examine the impact of globalization and trade liberalization on women. These initiatives are intended to increase knowledge on the part of policy makers, academics, women's organizations and the public in general, and explore ways to help women respond to changes introduced by structural change. Initiatives addressing gender and trade include the funding of a series of policy discussion papers, and the commissioning of an annotated bibliography on current Canadian and international research. In 2002, the Policy Research Fund of SWC, which supports independent research, funded 7 research projects on the theme of Women and Trade Agreements. SWC has also supported capacity-building initiatives of women's and non-government organizations in the area of international trade.

Pay Equity

73. Over the 1998 to 2002 period, several major employers in the federal sector have been and continue to be engaged in pay equity litigation before the Canadian Human Rights Tribunal and the courts. In some cases, the parties have reached settlements favourable to unions representing female workers who alleged systematic wage discrimination. The largest case involved the Government of Canada paying $3.6 billion worth of back pay to approximately 230,000 workers in female-dominated jobs in the federal government.

74. In recognition of the need to clarify the manner in which pay equity is implemented, including the methodology to compare and value jobs, the Government of Canada in June 2001 announced the establishment of a Task Force to review federal pay equity legislation. The Task Force will submit a report to the Ministers of Justice and Labour with recommendations for improving Section 11 of the *Canadian Human Rights Act*, which makes it a discriminatory practice to pay men and women differently for performing work of equal value.

75. Most provinces and territories have pay equity legislation or policies to ensure equal pay for work of equal value. Some of the provincial models, including Ontario and Quebec, are proactive models rather than a complaints-based model. A proactive model means that employers have positive obligations to implement pay equity, rather than waiting for a formal pay equity complaint.

76. Québec continues to implement the *Pay Equity Act* that was passed in 1996 to address the differences in compensation due to the systemic gender discrimination suffered by persons occupying positions in predominantly female job classes. At present, almost 47% of businesses with 10 to 49 employees state that they have begun to implement (8%) or have already implemented (39%) pay equity. Almost one third of businesses that have already implemented pay equity have paid out an average of 8.1% in adjustments.

Employment

77. The Government of Canada notes the Committee's observation that the federal *Employment Equity Act* suffers from weak enforcement. The new *Employment Equity Act* which came into force in 1996, gave the Canadian Human Rights Commission the authority to conduct audits and to verify and gain employment equity compliance. Since October 1997, the Commission had audited or initiated audits of 235 employers, which comprises 50% of all employers. As of March 31, 2002, 78 employers had been found in compliance although only eight were found in compliance at the end of the initial audit. Of the remaining employers, the majority signed interim reports with undertakings to reach compliance but had not yet been re-audited.

78. The federal Public Service, which is now covered under the *Employment Equity Act*, continues to show progress on the representation of all designated groups. Covering the fiscal year April 1, 2000 to March 31, 2001: women accounted for 52.1% of all employees, a slight increase over the previous year; 50.5% of all indeterminate employees were women, compared to 49.7% in the previous year; and approximately 1 in 3 employees in the executive category were women, an increase to 30% from 28.4% last year.

79. The significant under-representation of visible minority women and men in the federal government led to the establishment of the Task Force on the Participation of Visible Minorities by the Treasury Board of Canada. The Task Force released its report, *Embracing Change in the Federal Public Service*, in April 2000. It contained a series of recommendations to assist the government to improve, many closely linked to broader human resources strategies already being pursued such as recruitment, retention and workplace well-being, and learning and development. The government has endorsed the report and its plans for moving forward include department-specific benchmarks and accountability mechanisms to assist in measuring and achieving progress in workforce visible minority representation. A benchmark of 1 in 5 by 2003 is set for external recruitment into the Public Service as a whole, and the same benchmark of 1 in 5 will be used until 2005 for appointments to the Executive category.

80. In 2001 and 2002, the *Employment Equity Act* was reviewed by a Parliamentary committee and a report was released in June 2002, containing 29 recommendations to strengthen equity programs. The Government of Canada is assessing the impact of the committee's recommendations. It is expected that this review process and subsequent government response to the recommendations will strengthen the Act by clarifying a number of key requirements that employers must meet.

81. In Québec, the adoption of the *Act respecting equal access to employment in public bodies* and an *Act to amend the Charter of human rights and freedoms* in December 2000 allowed for the development of a series of measures to ensure equal access to employment for target groups, including women, in around 700 public bodies with 100 or more employees. There have been equal access programs for women for approximately ten years.

82. Federal Employment Benefits and Support Measures (EBSM) help Canadians get back to work. They help individuals prepare for, obtain and maintain employment. Employment Benefits help unemployed Canadians get work experience, improve skills, or start new businesses and encourage employers to provide opportunities for work experience. Support Measures fund organizations, businesses and communities that provide employment services to unemployed individuals.

83. According to the *2001 Employment Insurance Monitoring and Assessment Report*, which covers the period between April 1, 2000 and March 31, 2001, women participated in 45.5% of all interventions delivered under the EBSM. This percentage is representative of women's proportion of the employed in Canada and has been on the rise since the implementation of the new EI regime. In 2000/01, women were more likely to take part in short-term interventions than long-term interventions. The representation of women was 49.0% in short-term interventions and 38.8% in long-term interventions. Conversely, men were more likely to take part in long-term interventions than short-term interventions. The representation of women in long-term interventions is heavily affected by the apprentice element of the Skills Development benefit, where women's participation has

historically been low. It should be noted that when apprentices are removed from the analysis, the representation of women in long-term interventions rises significantly (approximately 46%).

84. To assist employers in developing anti-harassment policies, in 2001 the Canadian Human Rights Commission, in cooperation with Human Resources Development Canada and Status of Women Canada, developed a guide for employers, entitled *Anti-harassment Policies in the Workplace*. The Canadian Human Rights Commission resolved, through mediation and conciliation, a range of complaints dealing with pregnancy-related discrimination, sexual harassment, and sex-discrimination in the workplace.

85. Creating economic opportunities for women is a key priority of the Ontario government. For example, in February 2002 the Ontario government announced that it was providing $1.6 million in funding to nine training programs across the province, to assist women to qualify for work in the skilled trades and in so doing address the barriers that women face in establishing themselves in these professions. The purpose of the program is to give women the opportunity to work in high-paying jobs with recognized skill shortages. The first of its kind in Canada, the Women in Skilled Trades Program trains low-income women to become apprentices in trades such as machining, tooling, mould-making and industrial mechanics. Started in 1999, the provincial program combines technical training with hands-on job placements with local employers in the automotive manufacturing sector. By 2005, approximately 600 women are expected to be working as registered industrial apprentices, which is a significant increase from 140 in 1998.

86. The province of Ontario has developed programs to support the entry of women into other sectors like information technology through the provision of training to low-income women and women who are new immigrants. This program, which is a partnership between the Ontario government, the private and the voluntary sectors, provides low-income women in Ontario with government-funded specialized training.

87. The province of Ontario is also developing initiatives to reduce barriers for highly skilled immigrants to enter the labour market, including by developing measures to improve access to professions and trades for those trained and educated outside Canada. As one example, the Ontario Ministry of Training, Colleges and Universities is supporting a project to help increase access for internationally trained nurses. A partnership involving employers, educational institutions and community-based agencies is developing a program which will assist participants who are eligible to write the licensing exam to reach Ontario licensing standards and achieve success in the exam.

Entrepreneurship and Self-Employment

88. Small and medium sized enterprises (SMEs) owned by women comprise an important part of the Canadian economy. In 2000, 45% of all SMEs were wholly or partially owned by women; 19% were owned equally by men and women; and 15% were majority owned by women. Research indicates that many of the challenges facing women entrepreneurs are similar to those facing all self-employed and micro-enterprises. Additionally, male and female entrepreneurs differ in a number of ways, reflecting the specific role and position of men and women in the Canadian economy. For example, women-owned businesses tend to be younger and smaller than businesses owned by men. In 2002, 87% of women-owned small and medium enterprises have fewer than five employees, while 81% of small and medium enterprises owned by men have fewer than five employees. Women-owned businesses tend to be in a slow growth stage of business development, reflecting the trend in the industries in which they predominate. Fewer women-owned firms are incorporated. Fewer women seek financing from financial institutions, yet those who do request financing are as likely as men to receive it.

89. Self-employed workers are a growing element of women's entrepreneurship in Canada. In 2002, over three quarters of a million women, 11% of all women with jobs, were self-employed. Women account for 34% of all self-employed, and women's self-employment is growing considerably faster than self-employment among men. Two-thirds of self- employed women are own account workers with no employees, and one-half run home-based businesses. The Government of Canada is continuing to monitor this important trend and is exploring ways to address the challenges faced by this group of workers.

90. In November 2002, the Prime Minister of Canada announced the creation of a Prime Minister's Task Force on Women Entrepreneurs, which will examine the unique challenges faced by women entrepreneurs and advise the Prime Minister on how the federal government can advance the contribution of women entrepreneurs to the Canadian economy. The Task Force will consult with Members of Parliament, experts, and key stakeholders, and will deliver their report to the Prime Minister by May 2003.

91. The Government of Canada provides a wide range of programs and services relating to entrepreneurship and enterprise development, a number of which are designed specifically for women entrepreneurs. For example, the Western Economic Diversification Agency, one of four federally funded regional economic development agencies, launched the Women's Enterprise Initiative in 1994, which provides a number of services and access to financing. In 2001-02, the Women's Enterprise Initiative made 88 loans to women entrepreneurs for a total of $2.5 million. On October 3, 2002, the Atlantic Canada Opportunities Agency, another regional economic development agency, announced a $17 million Women in Business Initiative (WBI). This initiative is designed to improve the growth and competitiveness of women-owned businesses and increase their representation in Atlantic Canada's emerging growth sectors. The WBI focuses on strengthening management capabilities and business development skills of women business owners, improving their access to capital and business support services, and increasing involvement of women-owned business in exports and knowledge-based industries.

92. The Business Development Bank of Canada (BDC), a financial institution wholly owned by the Government of Canada, plays a leadership role in delivering financial and consulting services to Canadian small business. In 2002, the BDC extended more than 1,300 loans to women-owned businesses for a total amount of nearly $300 million. The BDC is also currently developing specific programs to support women entrepreneurs and improve their networking opportunities.

93. In 2002, the Department of Foreign Affairs and International Trade relaunched an improved and expanded version of its Businesswomen in Trade Website, attracting an average of over 3,500 visitors per month. The Department also published a Canada Export supplement entitled *Going Global: World Markets for Women Entrepreneurs*, to help showcase successful Canadian women exporters. In 1999, the Trade Research Coalition, working under the direction of 20 Canadian businesswomen, academics and government representatives, developed a document entitled, *Beyond Borders: Canadian Businesswomen in International Trade*, Canada's first quantified documentation of the export activities and attitudes of this growing market sector.

94. Since 1997, the Department of Foreign Affairs and International Trade in collaboration with Industry Canada has sponsored a series of government-led *Team Canada Women's Trade Missions*. Since the launching of this initiative, Women's Trade Missions have been lead to the United States, UK and Australia. Women entrepreneurs have also participated in virtual trade missions conducted on-line, with the use of technology developed by the Department of Foreign Affairs and International Trade. Beginning in January 2003, a nine-month Virtual Trade Mission will be launched for women entrepreneurs in Canada and Australia. This will culminate in Fall 2003 with an actual trade mission to Canada by Australian businesswomen.

Balancing Employment and Family Responsibilities

95. In recognition of the importance of parents spending the first critical year with their newborn children, the Government of Canada extended parental benefits from 10 weeks to 35 weeks, effective December 2000, resulting in a combined maternity/parental benefit period of one year. A two-week waiting period that had previously applied to fathers claiming parental benefits was dropped and the number of hours required to qualify for special benefits (maternity, parental and sickness) was reduced from 700 to 600. Parents were also allowed to work while receiving benefits, a change expected to help mothers make a gradual return to the workplace following their maternity leave, if they so choose.

96. Other jurisdictions, which are responsible for parental leave provisions (the ability to take time off for parenting while maintaining job protection), put new measures in place to enable parents to take advantage of the longer

federal benefit period. In Alberta, for example, the *Employment Standards Code Amendment Act 2001* entitles mothers, fathers and adoptive parents to 37 weeks of parental leave. The legislation also specifies the amount of notice an employee must give to the employer. These regulatory changes are based on recommendations made by the Committee on Employment Leave for Parents, which was formed in December 2000. The committee included representatives from employers, employees, labour organizations and other interested groups.

97. The first-year results in 2001 since the enhancements to Employment Insurance (EI) maternity and parental benefits indicate there has been a substantial jump in the number of working parents staying at home with their newborns. About 216,000 Canadians accessed parental benefits in 2001 compared to almost 174,000 in 2000, sharp increase of 24.3%. In addition, the number of parental claims by men increased by almost 80% from 12,010 in 2000 to 21,530 in 2001, showing that the new rules give fathers the opportunity to share the caregiver role in the first year of their child's life.

98. The *Employment Insurance Act* was further amended effective April 2002. The main changes are twofold. First, where the child to which a parental leave relates is hospitalized during the benefit period, the benefit period is increased by the number of weeks of hospitalization, up to a maximum of 104 weeks. Second, the maximum benefit period for parents who claim a combination of maternity, parental and sickness benefits (where the sickness benefits are related to the parent) is extended to a total of 65 weeks. Previously, claimants were entitled to claim special benefits for a combined maximum of 50 weeks. This resulted in several claims of discrimination as it meant that some biological mothers who claimed sickness benefits during their pregnancies, or while receiving parental benefits, were unable to claim all of their sickness and/or parental EI entitlements.

99. With regard to parental leave, some provinces have also adopted other measures to complement the federal program in order to reconcile family and work. To this end, Quebec passed the *Act respecting parental insurance* in 2001.

100. Some jurisdictions are also taking action to address teenage pregnancy and the economic effects it can have over the long term. In Quebec, for example, the pregnancy rate for young girls under 15 is currently between 10 and 20 per thousand and has been stable for several years. Although the situation is less alarming in Quebec than in other parts of Canada, the Government has made this a priority in its *Action Plan 2000-2003: Equality for All Women of Quebec.*

Access to Housing

101. The Government of Canada provides over $1.9 billion in housing subsidy assistance annually, to some 640,000 lower-income households in Canada, mainly through social housing programs. Federal, provincial and territorial housing expenditures in 2000-01 totaled $3.6 billion. Although these programs are not targeted to women specifically, a significant portion of this housing assistance benefits women. This is due to the fact that women, either in lone-parent, female-led households or living alone or otherwise, are disproportionately represented among the target groups for social housing programs.

102. In this regard, there are recent measures that will benefit lower-income women. In November 2001, federal, provincial and territorial Ministers responsible for housing unanimously agreed on a framework for a new $1.36 billion affordable housing initiative. Bilateral agreements representing nearly 95% of the funding had been signed with the vast majority of provinces and territories. Ministers also renewed their commitment to examine ways to improve the overall climate for investment in affordable housing in the longer term. A working group has been established to examine such issues as taxation, housing financing, the municipal regulatory framework and income support initiatives.

103. With regard to Aboriginal peoples, the federal government has responsibility for on-reserve housing. Through the Department of Indian and Northern Development and the Canada Mortgage and Housing Corporation, the federal government continues to make investments in new and existing housing. Planned spending for 2001-2002

is approximately $354 million. Given these efforts, the housing situation on reserve is improving. In 2001, some 56% of all housing units were deemed to be adequate, an increase of 10 percentage points since the mid-1990s. In 2001, 98% of houses had water delivery and 94% had sewage disposal systems, up from 96 and 90% respectively in 1995-1996. However, it is recognized that many First Nations still face a large backlog of substandard and overcrowded houses.

104. In December 1999, the Government of Canada announced that it would invest $753 million in an approach to help alleviate and prevent homelessness across Canada and work with the provinces and territories on the development and implementation of the initiative. Since 1999, the Supporting Communities Partnership Initiative (SCPI), the cornerstone program of the National Homelessness Initiative (NHI), has made investments that are helping communities address the special needs of homeless women and those at risk of homelessness. A total of $423 million has been allocated to communities across Canada in 10 major cities most affected by homelessness. All provinces and territories have participated and invested upwards of $240 million. Single women and families headed by women account for an increasing proportion of the homeless population and spousal violence and poverty are key factors underlying homelessness.

105. Research supported by the NHI seeks to identify the structural and systemic factors contributing to homelessness and the social and demographic characteristics of people who experience chronic and periodic homelessness, including those of key sub-populations including women. Research efforts increasingly take into account the significant differences in issues facing homeless women. Research is proceeding in tandem with a data gathering exercise that focuses on the number and socio-demographic characteristics of people who use shelters in Canada, including the collection of sex-disaggregated data.

International Activities

106. The Government of Canada has recently ratified or acceded to a number of instruments which promote and protect the human rights of women and the girl-child. After strongly supporting the adoption of an effective *Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women*, and after engaging in the necessary consultations within Canada, the Canadian government deposited its instrument of accession to the *Optional Protocol to the CEDAW* on October 18, 2002. On December 14, 2000, Canada signed the United Nations *Convention against Transnational Organized Crime* and two supplemental protocols, including the *Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* and ratified the *Trafficking Protocol* on May 14, 2002. Canada signed the *Optional Protocol to the Convention on the rights of the Child on the Sale of Children, Child Pornography and Child Prostitution* in November 2001 and is in the process of consulting with the provinces and territories prior to ratification.

107. Canada was instrumental in achieving a gender-sensitive Rome Statute in 1998 and advocated strongly for the inclusion of provisions in the subsidiary documents of the International Criminal Court, the Elements of Crimes and the Rules of Procedure and Evidence. In September 2000, Canada launched its International Criminal Court Campaign, including instituting a website with a section on gender (www.icc.gc.ca) and the sponsorship of several thematic events that have dealt specifically with women, international justice and the Court.

108. Canada continues to promote women's human rights and gender equality in international fora including the United Nations, the Organization of American States and the Summit of the Americas, the Commonwealth, the Asia Pacific Economic Cooperation forum (APEC), the Organization for Security and Cooperation in Europe, the Council of Europe, la Francophonie and the Organization for Economic Co-operation and Development (OECD).

109. Canada has been instrumental in the creation of mechanisms dedicated to gender equality issues in international organizations. As a result of a Canadian-led resolution at the United Nations Commission on Human Rights (UNCHR) in 1994, a Special Rapporteur on violence against women was appointed to collect information on violence against women, to recommend measures to eliminate violence against women and its causes, and to remedy its consequences. The Special Rapporteur is currently in her third term, and support for this Canadian-led

UNCHR initiative is increasing with over 70 co-sponsors from all regional groups. In 2001, the OECD Council created a new position of Gender Co-ordinator for one year. Canada strongly supported the creation of this position and contributed financially towards its establishment.

110. At international and world conferences and their reviews – including the UN World Conference Against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the UN General Assembly Special Session entitled: *HIV/AIDS: Global Crisis - Global Action;* the UN General Assembly Special Session on Children (*World Summit on Children +10)* – Canada consistently stresses gender equality and women's human rights issues.

111. The Government of Canada actively facilitated the participation of women's organizations in the World Conference Against Racism (WCAR). This included engaging in broad based regional and national consultations that incorporated a balance of organizations representing the perspectives of women, Aboriginal Peoples, ethnic and racial minorities, and youth. This domestic public dialogue served to advance Canada's domestic agenda to combat discrimination by raising awareness and facilitating discussion on race related issues and community responses, including systemic barriers women face at the intersection of race and gender. The Government of Canada involved non-governmental organizations representing the views of women in the preparatory activities both domestically and internationally and funded participation for the WCAR and the preparatory meetings.

112. The Government continues to support gender mainstreaming in international organizations. For example, in 2001, Canada co-led the effort to promote the UN Economic and Social Council's follow-up on its 1997/2 agreed conclusions on gender mainstreaming, and the Council's decision to have a regular sub-item on gender mainstreaming on its substantive agenda. Canada, through Status of Women Canada, is a leader in advancing gender integration in APEC and remains firmly committed to these efforts, specifically through the implementation of the Framework for the Integration of Women in APEC. For example, Canada produced a booklet on *Gender Mainstreaming: Good Practices in the Asia-Pacific Region* in 2001 as well as a full *Review of Gender Integration in APEC* in 2002 which provided the groundwork for directing the future of gender mainstreaming in APEC.

113. Canada's activities in promoting women's equality in international fora are complemented by domestic implementation of those commitments. For example, since the Second World Assembly on Aging held April 8-12, 2002, Health Canada has initiated a process of reviewing government programs and policies to ensure implementation of the Madrid International Plan of Action. This process will result in the development of a federal plan of action on aging.

114. Since the submission of its fifth report, the issue of women and girls in situations of armed conflict has continued to be a priority for the Government of Canada. Canada has made the protection of civilians, including women, a priority throughout its work at the UN. Canada's efforts at the Security Council (99-00) led to, inter alia, the negotiation of two critical resolutions on the subject. In 2001-2002, Canada co-funded an assessment of the implementation of UN High Commissioner for Refugees' (UNHCR) *Guidelines on the Protection of Refugee Women* completed by the Women's Commission on Refugee Women and Children. In June 2002, Canada deployed a consultant to work with UNHCR as part of its follow-up to its action plan for addressing the allegations of the sexual exploitation and violence in refugee camps in West Africa.

115. In Canada's fifth report, information was provided on the development of training materials for peacekeepers by Canada and the United Kingdom. Based on the *Gender Awareness Training Initiative for Civilian and Military Participants in Peace Operations*, a pilot course was organized in 2002 with participation by non-governmental organizations, government and national police.

116. Through the Department of Foreign Affairs' Human Security Program, a number of projects have been funded designed to address the situation of children and youth internationally and where girl children are essential participants. DFAIT and SWC organized a two-day planning meeting in Ottawa in February 2002, to discuss a Canadian initiative related to the development *of Guidelines on the Protection of Women in Situations of Armed*

Conflicts. The objective of the Guidelines initiative is to clarify the international norms on legal and physical protection of women and girls in situations of armed conflict. The international expert meeting included representatives from the United Nations system, academia and non-governmental organizations as well as some representation from governments active in women and armed conflict.

117. In 1999, the Canadian International Development Agency (CIDA) updated its *Policy on Gender Equality* to be equality focused, rights based, and results oriented. It focuses on the equality of women and men as a goal for development co-operation and makes clear linkages between gender equality and CIDA's mandate of sustainable development, its overarching goal of poverty reduction, and the other Agency priorities.

118. To address the Policy's commitment to results-based management, a Performance Review Framework for CIDA's *Policy on Gender Equality* is currently being developed to measure the Agency's progress in implementation of three corporate results: advancing women's equal participation with men as decision makers in shaping the sustainable development of their societies; supporting women and girls in the realization of their full human rights; and, reducing gender inequalities in access to and control over the resources and benefits of development.

119. Gender equality is one of Canada's six priorities for Official Development Assistance, as well as a crosscutting priority for all CIDA policies, programs, and projects. CIDA supported investments in gender equality in all branches in 2001-2002. More information about projects will be included in Canada's next periodic report, however, we would like to draw to the attention of the Committee, at this stage, projects which demonstrate notable results towards the achievement of the objectives of CIDA's *Policy on Gender Equality*.

120. In Cambodia, CIDA's Civil Society Initiative Fund has contributed to increased representation of women in positions of influence and decision-making. Of the 5,527 women participants in the *Empowerment of Women in Politics* project, 3,371 became candidates in the February 2002 Commune Election and of these 933 were elected to commune councils.

121. In Africa, CIDA funded the *Droits et citoyenneté des femmes en Afrique francophone* project, which has been supporting a regional network of women's organizations and local networks in four countries to lobby governments for the inclusion of the Protocol on Women's Rights in the *African Charter of Human and People's Rights* and to promote women's rights including anti-FGM (female genital mutilation) advocacy and identity card acquisition.

122. In Columbia, the Gender Fund was used to train women on key areas of the political agenda in order to build capacity as potential electoral candidates. In communities assisted by the Fund, women's political participation at the local and state levels increased by 50%.

123. Research conducted under the CIDA funded *Canada-China Women's Law Project* assisted the All-China Women's Federation and other Chinese women's organizations in advocating more effectively for legislative change during revisions to the Marriage Law. This resulted in the specific proscription of domestic violence in the revised Marriage Law – a sea change for China and a significant advance for the promotion of women's legal rights.

Conclusion

124. Canada remains firmly committed to advancing gender equality and will continue in its efforts to eliminate all forms of discrimination against women. Canada recognizes that although it has made some significant advances in achieving gender equality much work remains to be done. We look forward to hearing your views on how to achieve this.

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